

Remarks

Claims 1-3 have been cancelled without prejudice to their prosecution in a continuation application. New claims 4-6 have been added. Support for new claims 4-6 can be found in the specification at page 7, lines 1-21 and page 8, lines 25-26. Each basis for rejection is addressed separately below.

The rejection of claims 1-3 under 35 U.S.C. §112, second paragraph, has been rendered moot by the cancellation of claims 1-3. New claims 4-6 recite specific structure and are not in Jepsen-type format, and are thus believed to not fall within this rejection.

The rejection of claims 1-2 under 35 U.S.C. §102 has been rendered moot by the cancellation of claims 1-2. However, the basis for this rejection will be applied to new claims 4-6. Claims 4-6 all require that the oligonucleotide consists of one or more POPS block region and one or more 2'-O-methylnucleoside region. Arnold *et al.* cannot anticipate claims 4-6 because all of the oligonucleotides disclosed in that reference which contain alternating PO and PS internucleoside linkages together with 2'-O-methyl nucleosides also contain methylphosphonate internucleoside linkages. In fact, the primary teaching of Arnold *et al.* is the desirability of having stereoregular methylphosphonate internucleoside linkages in an oligonucleotide. Accordingly, Applicants respectfully submit that claims 4-6 are novel over Arnold *et al.*

The rejection of claim 3 under 35 U.S.C. §103 has been rendered moot by the cancellation of claim 3. New claims 4-6, however are nonobvious and patentable over Arnold *et al.* in view of Agrawal, because any combination of those references would produce oligonucleotides containing methylphosphonate internucleoside

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linkages, particularly given that Arnold *et al.* emphasizes the desirability of having stereoregular methylphosphonate internucleoside linkages in an oligonucleotide. Thus, Applicants respectfully submit that claims 4-6 are nonobvious and patentable over the prior art of record.

Applicants will shortly be submitting an Information Disclosure Statement to disclose art that was received in connection with the international preliminary examination of the PCT counterpart to this application. Applicants respectfully request that the Examiner consider this IDS prior to the next Office Action.

Applicants now believe that the rejection of claims 1-3 has been overcome by amendment. Applicants respectfully request that the above-identified patent application now be allowed. If the Examiner believes that any discussion of this communication would be helpful, he is invited to contact the undersigned attorney by telephone at (617) 526-6250.

Respectfully submitted,
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